

DEC 14 2004

Attorney Docket No. 81841.0192
Patent Application No. 09/872,052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert S. Matson

Serial No: 09/872,052

Confirmation No.: 8141

Filed: May 31, 2001

For: IMMobilization of UNmodified
BIOpolymers to ACYL FLuoride
ACTIVATED SUBSTRATES

Art Unit: 1641

Examiner: Ann Y. Lam

"Declaration of Robert S. Matson Pursuant to 37 C.F.R. 1.132"

1. I, Robert S. Matson, am a named inventor of the present application. I am currently employed as a Sr. Staff Scientist by assignee Beckman Coulter, Inc. I have a Ph.D. degree from Wayne State University in Bio Chemistry. I have been employed by Beckman Coulter, Inc. since 1991, and I have been involved in research in the areas of Microarray technology since that time. I have personal knowledge of the facts stated herein except for those facts which are based on information and belief.

2. All statements made herein based on my own knowledge are true and all statements made on information and belief are believed to be true.

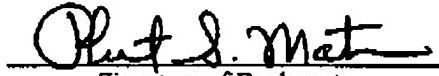
3. I have read the Obremski reference cited by the Examiner in the office action dated September 14, 2004. I believe that the oligonucleotide probes used by Obremski is a modified oligonucleotide. This belief is based on the fact that we provided to Obremski laboratory the modified oligonucleotides during the time of 1994 to 1997.

4. During that period of time, my laboratory furnished to the Obremski laboratory acyl fluoride activated films including polypropylene for use as waveguides. My laboratory also supplied to Obremski amino-terminated oligonucleotide probes for attachment to these waveguides.

5. During that time (1994-1997) my laboratory used exclusively amino-modified oligonucleotides for covalent attachment of small oligonucleotide capture probes to solid supports. This was because unmodified small oligonucleotides were found to be inefficiently immobilized to most solid supports relative to amino-modified oligonucleotides.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon.

Dated this 14th day of December, 2004 at Fullerton, California, USA


Signature of Declarant